

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CANDACE SMITH,

Plaintiff,

v.

PLANET FITNESS, PRIVATE
SECURITY COMPANY, BRIANNA
LNU, Manager, and JOHANNA GARCIA,
security guard,

Defendants.

Case No. 1:24-cv-00203-JLT-HBK

ORDER DENYING AS MOOT PLAINTIFF'S
SECOND MOTION TO PROCEED *IN*
FORMA PAUPERIS

(Doc. No. 4)

Plaintiff proceeds in this civil action pro se. (Doc. No. 1). Pending before the Court is Plaintiff's second motion seeking leave to proceed *in forma pauperis* under 28 U.S.C. § 1915, which was filed on February 29, 2024. (Doc. No. 4). On February 27, 2024, the Court denied an identical *in forma pauperis* application, which was filed by Plaintiff on February 15, 2024, because it did not contain sufficient information for the Court to determine if she is entitled to proceed in this action without prepayment of fees. (See Doc. No. 3). In its February 27, 2024 Order, the Court directed Plaintiff to complete and file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) – AO 239 and provided Plaintiff with a copy of the AO 239 form. (See Doc. Nos. 3, 3-1). It appears Plaintiff resubmitted this second *in forma pauperis* application, which suffers from the same lack of information, before Plaintiff received the Court's February 27, 2024 Order and AO 239 form. (See Doc. No. 4). Accordingly, the

1 Court will deny Plaintiff's second filed motion as moot. The Court reminds Plaintiff that she
2 must complete the AO 239 form that was provided with the Court's February 27, 2024 Order if
3 she wishes to proceed in this action without prepayment of filing fee. If Plaintiff is unwilling to
4 complete and submit the long form application, Plaintiff must pay the filing fee in full.

5 Accordingly, it is **ORDERED**:

- 6 1. Plaintiff's second motion for leave to proceed *in forma pauperis* (Doc. No. 4) is
7 DENIED as moot.
- 8 2. Plaintiffs shall either (1) pay the \$405.00 filing fee for this action, or (2) complete and
9 file the Application to Proceed in District Court Without Prepaying Fees or Costs
10 (Long Form) – AO 239 previously provided by the Court in its February 27, 2024
11 Order.
- 12 3. If Plaintiff fails to comply with the Court's February 27, 2024 Order, this action shall
13 be dismissed for failure to pay the filing fee and failure to comply with a court order as
14 a sanction under Local Rule 110.

15
16 Dated: March 4, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE